

Message Text

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15

ACTION EUR-12

INFO OCT-01 ISO-00 SCS-03 SCA-01 CPR-01 COME-00 SP-02

AID-05 EB-07 NSC-05 CIEP-01 TRSE-00 SS-15 STR-04

OMB-01 CEA-01 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 PA-01 PRS-01 USIA-06 /083 W

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R 240840Z DEC 75

FM AMEMBASSY NICOSIA

TO SECSTATE WASHDC 2790

INFO AMEMBASSY ANKARA

C O N F I D E N T I A L SECTION 1 OF 2 NICOSIA 3537

E. O. 11652: GDS

TAGS: PFOR, EIND, CY, TU, CPRS

SUBJECT: PROTECTION OF U.S. PROPERTY IN TURKISH CONTROLLED
AREA OF CYPRUS

REF: A. STATE 248646

B. ANKARA 9156

C. NICOSIA 3616

D. STATE 276807

1. SUMMARY: EMBASSY HAS MADE FURTHER DEMARCHES TO TURKISH EMBASSY AND TFSC. INITIAL RESPONSES HAVE CONTAINED NO SURPRISES BUT THERE IS SOME INDICATION THAT TFSC WILL, WITHOUT YIELDING ON PRINCIPLES, MAKE GREATER EFFORT TO FACILITATE PROTECTION AND REMOVAL ACTIVITIES. NEXT ROUND OF CONSULAR ACCESS TESTING BEGINS DECEMBER 30. END SUMMARY.

2. ON DECEMBER 19 DCM CALLED ON TURKISH EMBASSY CHARGE OYMEN TO DISCUSS PROTECTION OF U.S. PRIVATE AND COMMERCIAL PROPERTY IN NORTHERN CYPRUS. WE HAD FOREWARNED OYMEN OF SUBJECT OF VISIT; TURKISH ECONOMIC COUNSELOR KIZILDELI ALSO PRESENT DURING MEETING. DCM
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BEGAN BY REVIEWING AMERICAN POLICY WITH REGARD TO

PROTECTION OF LIVES AND PROPERTY OF AMCITS ABROAD, AND REVIEWED HISTORY OF OUR EFFORTS IN CYPRUS SINCE SUMMER 1974, RELATIONS WITH "TURKISH FEDERATED STATE OF CYPRUS (TFSC)", ASSISTANCE TO AMCITS ON PROPERTY REGISTRATION, ATTEMPTS TO GAIN CONSULAR ACCESS AND RECOVER PROPERTY, AND OUR PERIODIC CONSULTATION WITH TURKISH EMBASSY.

3. DCM THEN RECOUNTED ASSURANCES GIVEN BY TURKISH FONMIN DIRECTOR FOR PLANS AND PROGRAMS FOR CYPRUS TUNCBILEK DECEMBER 12 (ANKARA 9156). DCM SAID THAT, UNDER INSTRUCTIONS, HE WAS MAKING ANOTHER FORMAL APPROACH TO ENLIST TURKISH EMBASSY'S ASSISTANCE VIS-A-VIS TFSC IN ORDER TO FACILITATE USG PROTECTION ACTIVITIES IN NORTH. ALTHOUGH NOT LINKED DIRECTLY, PROGRESS ON PROPERTY ISSUE FOR PURPOSES OF GSP WAS DESIRABLE AT THIS TIME, AND IT WAS SURELY TO ADVANTAGE OF BOTH GOT AND USG TO ACHIEVE MOVEMENT IN AREA OF FUNDAMENTAL MUTUAL CONCERN. WITHOUT IGNORING DIFFERENCES OF OPINION ON CERTAIN ASPECTS OF PROPERTY QUESTION, PURPOSE OF PRESENT DISCUSSION WAS TO MAKE USG POSITION UNMISTAKABLY CLEAR IN HOPE THAT TURKISH EMBASSY WOULD FIND WAY TO HELP BRING ABOUT THIS MOVEMENT.

4. DCM REVIEWED CONTENTS OF PARA 5, STATE 248646, DISCUSSING IN DETAIL PERTINENT ARGUMENTATION AND NOTING AGAIN NEED FOR "CONCRETE STEPS." INFORMAL PAPER BASED ON PARA 5 WAS PRESENTED TO OYMEN CONTAINING USG'S REQUIREMENT FOR RELAXATION OF CURRENT RESTRICTIONS ON CONSULAR ACCESS, PERMISSION FOR IMMEDIATE PROPERTY REMOVAL, RELAXATION OF REGISTRATION REQUIREMENTS, RESTORATION OF PROPERTIES FOLLOWING PROOF OF OWNERSHIP, INSTITUTION OF EQUITABLE PROCEDURES TO PROVIDE PROMPT, ADEQUATE AND EFFECTIVE COMPENSATION FOR LOSSES. ALSO PASSED TO OYMEN WAS LIST OF COMMERCIAL PROPERTIES IN NORTH HAVING AMERICAN INTEREST AND LIST OF TWELVE PRIVATE AMCIT PROPERTY CASES ON WHICH WE BELIEVED PROGRESS COULD BE MADE SOON.

5. IN REPLY TURKISH OFFICERS OFFERED NO NEW ARGUMENTS AND HEWED CLOSELY TO LINE TAKEN BY TUNCBILEK
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DURING CONVERSATIONS WITH EMBASSY ANKARA. GOT RECOGNIZED EXIGENCIES OF U.S. LAW AS IT RELATED TO STATUS OF AMCIT PROPERTIES IN CYPRUS. OYMEN DENIED EMPHATICALLY USG CONTENTION THAT TURKEY WAS AN OCCUPYING POWER IN CYPRUS AND THEREFORE LIABLE EITHER FOR ACTS OF TFSC OR FOR WAR DAMAGES TO AMERICAN PROPERTY. GOT ALSO FOUND UNACCEPTABLE ANY LINKAGE BETWEEN TRADE RELATIONS WITH U.S. AND "IMPROVED PERFORMANCE" ON AMERICAN

PROPERTY MATTERS IN CYPRUS. AT END OF GENERALLY CORDIAL MEETING, HOWEVER, OYMEN SAID HIS EMBASSY WOULD UNDER-TAKE TO "DO WHAT IT COULD" WITH TFSC ON PROPERTY PROTECTION AND OFFERED RENEWED ASSURANCE OF GOT'S DESIRE TO FIND SATISFACTORY WAY OUT OF PRESENT SITUATION.

6. ON DECEMBER 22 DCM AND CONSULAR OFFICER CALLED ON TFSC "VICE PRESIDENT AND MINISTER OF DEFENSE" OSMAN OREK. PRESENTATION SIMILAR TO ABOVE WAS MADE. INFORMAL PAPER OUTLINING SENSE OF PARA 5, STATE 248646, WAS PRESENTED TO OREK TOGETHER WITH PROPERTY LISTS. OREK'S REACTION CONTAINED FEW SURPRISES. HE POINTED OUT THAT SINCE USG DID NOT RECOGNIZE EXISTENCE OF A TURKISH CYPRIOT STATE, IT WAS THEREFORE ON SHAKY GROUND IN DEMANDING CONSULAR ACCESS "IN ACCORDANCE WITH ESTABLISHED NORMS OF INTERNATIONAL BEHAVIOR." OREK MADE STANDARD TURKISH CYPRIOT DENUNCIATIONS OF INJUSTICES SUFFERED BY TURKISH COMMUNITY ON CYPRUS AT HAND OF GREEKS, UNDER-SCORING TFSC'S REFUSAL TO KNUCKLE UNDER ONCE AGAIN TO GREEK PRESSURE. GLANCING AT OUR PROPERTY LIST, OREK READ ALOUD SEVERAL GREEK NAMES. AS FAR AS PROPERTY OWNERSHIP WAS CONCERNED, OREK SAID, THESE PERSONS WERE GREEKS, HENCE TO BE ACCORDED SAME TREATMENT AS ANY OTHER GREEK CYPRIOTS PENDING AN OVERALL POLITICAL SOLUTION TO CYPRUS PROBLEM. TFSC PROPERTY LAW OF OCTOBER 4 (PARA 4, NICOSIA 3613) CONTAINED GOVERNING PRINCIPLES AND THESE WOULD NOT BE BROKEN. DCM OBSERVED THAT THIS BROUGHT TFSC POSITION INTO DIRECT OPPOSITION TO AMERICAN LAW WHICH, AS NOTED IN OUR BRIEFING PAPERS, ALLOWED NO DISCRIMINATION AGAINST AMCITS OF ETHNIC GREEK BACKGROUND. OREK ADMITTED THIS SEEMED EVIDENT AND THEN, RATHER PLAINTIVELY, ASKED "WHY DO YOU PRESS US SO -- YOU KNOW VERY WELL OUR PROBLEM AND CONFIDENTIAL

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WHY WE MUST MAINTAIN OUR LINE ON THIS ISSUE?"

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ACTION EUR-12

INFO OCT-01 ISO-00 SCS-03 SCA-01 CPR-01 SP-02 AID-05 EB-07

NSC-05 CIEP-01 TRSE-00 SS-15 STR-04 OMB-01 CEA-01

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 PA-01

PRS-01 USIA-06 COME-00 /083 W

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FM AMEMBASSY NICOSIA

TO SECSTATE WASHDC 2791

INFO AMEMBASSY ANKARA

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7. OREK SAID HE WOULD SUBMIT SUBSTANCE OF EMBASSY APPROACH TO TFSC COUNCIL OF MINISTERS FOR CONSIDERATION AND PERHAPS BE IN TOUCH WITH US AFTER CHRISTMAS FOR FURTHER DISCUSSION. FOR NOW, HIS SUMMARY COMMENTS COULD BE CONSIDERED AS TFSC'S OFFICIAL RESPONSE:

A) ON INCREASED ACCESS, TFSC WOULD DO EVERYTHING WITHIN LIMITS OF ITS REGULATIONS TO FACILITATE VISITS TO AMERICAN-OWNED COMMERCIAL AND PRIVATE PROPERTY. TWO EXCEPTIONS HOWEVER WOULD BE PROPERTIES OWNED BY ETHNIC GREEK AMCITS AND PROPERTIES LOCATED IN "RESTRICTED AREAS";

B) ON RELAXATION OF REGISTRATION, THERE WOULD BE NO PROBLEM. AS EMBASSY WAS AWARE, TFSC HAD ACCEPTED LATE (AFTER JUNE 30, 1975) DOSSIERS AND WOULD CONTINUE TO BE TOLERANT AS LONG AS THIS WAS NOT ABUSED BY GREEKS TRYING TO SNEAK CLAIMS IN UNDER AMERICAN COVER;

C) ON RESTORATION, TFSC WAS PREPARED TO MAKE EFFORT FIND AND RESTORE MOVEABLE PROPERTY OF ANY BONAFIDE (I.E., NON-ETHNIC GREEK) AMCIT WHO REGISTERED AND PROVED OWNERSHIP. ALTHOUGH OUR CONSUL COULD NOT PERSONALLY REMOVE PROPERTY LOCATED IN RESTRICTED AREAS, CONFIDENTIAL

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TFSC WOULD ARRANGE REMOVAL AND DELIVERY TO EMBASSY. OWNERSHIP WOULD OF COURSE HAVE TO BE CRYSTAL CLEAR;

D) ON ABILITY OF AMCITS (REGISTERED, NON-GREEK) TO RESIDE FREELY ON IMMOVABLE PROPERTIES, LOCATION MUST GOVERN. WAR CONDITIONS PREVAILED IN CYPRUS. HOMES LOCATED IN RESTRICTED AREAS WERE, VERY SIMPLY, OFF LIMITS NO MATTER HOW CLEAR NON-ETHNIC GREEK AMCIT'S

CLAIM TO OWNERSHIP;

E) ON EQUITABLE PROCEDURES FOR COMPENSATION, TFSC WOULD NOT DEVIATE FROM ANNOUNCED LINE. NO COMPENSATION OF ANY SORT COULD BE PAID UNLESS PART OF A GENERAL CYPRUS SOLUTION COMPREHENDING SIMULTANEOUS RESOLUTION OF TURKISH CYPRIOT PROPERTY CLAIMS. IN MEANTIME, TFSC WAS ORGANIZING CLAIMS OFFICE TO EXAMINE AND CLASSIFY REGISTERED PROPERTIES AS PRECLUDE TO "TRIBUNAL" FOR PROCESSING OF "LEGITIMATE" (I.E., NON-ETHNIC GREEK) CLAIMS. PERHAPS, OREK SAID, THIS WOULD CONSTITUTE "INSTITUTION OF PROCEDURES" IN SENSE OF OUR PAPER.

8. COMMENTS:

A) AT CONCLUSION OF CONVERSATION AND AFTER MAKING ALL HIS POINTS (OFTEN STRIDENTLY), OREK WAIVERED SLIGHTLY IN REPLY TO DIRECT QUESTIONING ON IMMUTABILITY OF TFSC POSITION ON ETHNIC GREEK CLAIMS. THIS WAS INDEED TFSC'S POSITION "FOR THE PRESENT", OREK SAID, IMPLYING IN EMBOFF'S OPINION ROOM FOR EVENTUAL MODIFICATIONS. THIS HINT PROBABLY POINTS DIRECTION TFSC COULD GO. PROPERTY CLAIMS OF ETHNIC GREEK FOREIGNERS, AMERICAN OR OTHER WISE, WILL PROBABLY BE LUMPED WITH THOSE OF GREEK CYPRIOT ORIGIN FOR BARGAINING PURPOSES UNTIL SUCH TIME TFSC IS ASSURED SETTLEMENT OF ITS OWN CLAIMS AGAINST GREEKS. AS RECOGNIZED IN STATE 248646, THIS TACTIC IS TO BE EXPECTED. THERE MAY BE A FEW EXCEPTIONS, BUT IT IS PROBABLY UNREALISTIC TO EXPECT TFSC TO CAVE EARLY ON THIS CENTRAL PRINCIPLE.

B) TWELVE CASES SUBMITTED TO TURKISH EMBASSY/TFSC SHOULD PROVIDE OPPORTUNITY TEST TURKS WILLINGNESS TO MAKE PROGRESS. CASES HAVE BEEN CAREFULLY SELECTED.
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SEVERAL ARE IN KYRENIA AREA WHERE PETTY LOCAL RESTRICTIONS SHOULD BE FAIRLY EASY TO OVERCOME, WHILE SEVERAL ARE IN NEW FAMAGUSTA TOWN WHERE DENIAL OF ACCESS OF ALMOST CERTAIN BUT REMOVAL BY TFSC IN OUR BEHALF MAY BE POSSIBLE. SEVERAL OTHERS ARE IN MORPHOU, WHICH SEEMS TO FLUCTUATE ON AND OFF LIMITS. LIST CONTAINS MIX OF ETHNIC GREEKS AND PERSONS OF APPARENTLY NON-GREEK ORIGIN. ALL CASES APPEAR TO BE WELL DOCUMENTED AS TO LEGITIMACY OF OWNERSHIP. ON DECEMBER 29 WE COMMENCE ANOTHER LABORIOUS ROUND OF ATTEMPTED VISITS AND WILL DOCUMENT PROGRESS (OR LACK OF IT) AS WE GO.
CRAWFORD

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